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UNITED STATES BANKRUPTCY COURT
DISTRICT OF NEVADA

In re

CASH CLOUD, INC.,
dba COIN CLOUD,

Debtor.

Case No. BK-23-10423-mkn

Chapter 11

**EX PARTE APPLICATION FOR
ORDER SHORTENING TIME
FOR HEARING ON DEBTOR'S
APPLICATION FOR ORDER
AUTHORIZING RETENTION AND
EMPLOYMENT OF CONWAY
BAXTER WILSON LLP/S.R.L. AS
SPECIAL LITIGATION COUNSEL
TO DEBTOR, EFFECTIVE AS OF
THE PETITION DATE**

Hearing Date: N/A

Hearing Time: N/A

Cash Cloud, Inc. d/b/a Coin Cloud ("Cash Cloud," or "Debtor"), debtor and debtor-in-possession in the above-captioned Chapter 11 case (the "Chapter 11 Case"), by and through its undersigned counsel, Fox Rothschild LLP, hereby files this *Ex Parte Application For Order Shortening Time For Hearing* (the "Application") on Debtor's *Application for Order Authorizing Retention and Employment of Conway Baxter Wilson LLP/S.R.L. as Special Litigation Counsel to Debtor, Effective as of the Petition Date* (the "Motion").¹ This Application is made and based upon

¹ Capitalized terms not defined herein shall have the meanings ascribed to them in the Motion.

the following points and authorities, the *Declaration of Brett A. Axelrod* (the “Axelrod Declaration”) in support hereof and attached as **Exhibit A** hereto, the Attorney Information Sheet filed concurrently herewith, and the pleadings and papers on file in the above-captioned chapter 11 case, judicial notice of which is respectfully requested.

WHEREFORE, for the reasons set forth herein, Debtor respectfully requests that the Court hear the Motion on an order shortening time, and grant such other and further relief as may be just and proper.

Dated this 6th day of February, 2024.

FOX ROTHSCHILD LLP

By: /s/Brett A. Axelrod
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POINTS AND AUTHORITIES

I.

Debtor, by this Application, pursuant to Bankruptcy Rule 9006 and Rule 9006 of the Local Bankruptcy Rules for the United States Bankruptcy Court, District of Nevada (the “Local Rules”), seeks an order shortening time for notice and hearing for the Motion.

The Relief is Authorized by Rule 9006 and Meets Due Process Requirements.

Bankruptcy Rules 9006(c)(1) and (d) authorize a court to reduce the time for a hearing, and a party to file an *ex parte* motion to shorten the time for a hearing. Bankruptcy Rule 9006(c)(1) provides in relevant part:

In General. Except as provided in paragraph (2) of this subdivision, when an act is required or allowed to be done at or within a specified time by these rules or by a notice given thereunder or by order of court,

the court for cause shown may in its discretion with or without motion or notice order the period reduced.

Fed. R. Bankr. P. 9006(c)(1).

Courts have generally acknowledged that such expedited relief does not violate due process rights, *even if the motion to shorten time is made ex parte*. “Bankruptcy Rule 9006(c) permits the bankruptcy court ‘for cause shown’ in its discretion, with or without motion or notice, to reduce the notice period, and ex parte motions for material reductions in the notice period are routinely granted by bankruptcy courts.” Hester v. NCNB Texas Nat’l Bank (In re Hester), 899 F.2d 361, 364 n. 3 (5th Cir. 1990); see also 10 Collier on Bankruptcy 9006.09 (16th ed. 2019 rev.); In re Gledhill, 76 F.3d 1070 (10th Cir. 1996).

Cause exists for the Court to shorten time on the Motion. Debtor requires experienced Canadian litigation counsel to represent it in the BitAccess Arbitration before the Canadian Arbitration Association. The Arbitral Tribunal has been appointed and the Debtor has paid the Arbitral Deposits to further proceed with the arbitration. In a communication to counsel dated January 30, 2024, the Arbitral Tribunal scheduled a case conference for February 15, 2024. Accordingly, Debtor seeks authority to employ CBW before the upcoming case conference to coordinate all matters in connection with the Arbitral Tribunal.

Copies of the Motion and their related pleadings shall be served on: (a) the Office of the United States Trustee; (b) counsel to the Official Committee of Unsecured Creditors; (c) Debtor’s secured creditors; and (d) the parties that have filed requests for special notice in the Chapter 11 Case.

Counsel Has Conferred With the Notice Parties.

Prior to filing this Motion, and pursuant to Local Rule 9006, Counsel consulted the parties as shown on the Attorney Information Sheet For Proposed Order Shortening Time, filed concurrently herewith and incorporated by reference herein.

II.

CONCLUSION

WHEREFORE, for all of the foregoing reasons, Debtor respectfully requests that the Court hear the Motion on an expedited basis, and grant such other and further relief as may be just and proper.

Dated this 6th day of February, 2024.

FOX ROTHSCHILD LLP

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EXHIBIT A

DECLARATION AFFIRMING REQUESTED RELIEF

I, Brett A. Axelrod, declare under penalty of perjury that: I am competent to make this declaration under the laws of the United States and the State of Nevada; I have read the above Application for an Order Shortening Time; and the facts stated therein are true and correct to the best of my knowledge, information and belief.

DATED this 6th day of February 2024.

By /s/Brett A. Axelrod
BRETT A. AXELROD